REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Since the response has been filed within the statutory six-month period from the mailing date of the this communication and since no shortened statutory period for reply was set by the Examiner, this response is believed to be timely and that no extension of time fees are necessary. But if the Examiner believes the shortened three-month period of time was set to respond to the Office Action, the Patent Office is authorized to charge the Deposit Account No. 14-1140. In that event, Applicants request that the Patent Office demonstrate where such shortened statutory period was set in the first Office Action correspondence.

The majority of claims stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,845,100 to Rinne. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Rinne fails to satisfy this rigorous standard.

Rinne relates to a quality of service (QoS) mechanism for wireless transmission of IP traffic. IP packets are classified according to QoS and then mapped on to appropriate radio bearers. Packets arriving at or leaving from the network are checked to see if the indicated or provisioned QoS has been achieved "in transit." If not, the network degrades the quality of service for purposes of further transmission. See Rinne's Abstract.

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Rinne assumes that the multimedia session has already been established. Rinne's invention comes into play when packets for the <u>already-established</u> session are being transmitted. In this regard, the Examiner's attention is directed, for example, to method claim 1 in the Rinne patent and the first step which states "classifying packets destined for various bearers of various mobile terminals according to different classes." The packets being classified are packets that have been generated by already-established sessions. The following steps of storing, scheduling, and transmitting those packets in accordance with their differing quality of service classes confirms this point.

On the other hand, the claims of the instant application relate to one or more mobile terminals each checking to see if resources for a requested quality of service or a multimedia session involving the one or more mobile terminals is available in each mobile's corresponding access network <u>before</u> the multimedia session is set up. The inventors realized that for a mobile user initiating a multimedia session, it is important for the user to be assured that there are sufficient resources available all the way to the remote user being contacted by the initiating user. Paying users naturally want end-to-end quality of service assurance <u>before</u> the multimedia session starts.

Consider the example where the multimedia session is charged on a traffic volume basis, and the cost to the user depends on the number of bits sent or received. The initiating user will want to know in advance whether a multimedia session using a video application component will be supported with sufficient quality of service so that the video will work properly. If not, the user may not want to engage the video component in order to avoid paying for useless data transport. Of course, if both terminals must pay for traffic volume in their respective local access

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networks, both users will want to know the quality of service status of the other side <u>before</u> the multimedia session is established.

Rinne does not disclose an appreciation for these problems because the multimedia session is <u>already established</u>. Rinne simply describes classifying packets according to the quality of service parameters that were established at the session setup, and if that QoS can not be accommodated, degrading the quality of service provided. There is no teaching in Rinne of one or more user terminals checking if resources for the requested quality of service are available in local access networks followed by the mobile's involved assuring each other that the requested resources are available. Because the session is already set up in Rinne, that assurance is not relevant.

Regarding claim 1, Rinne fails to disclose, for example, "the first user terminal sending a first message to the second user terminal confirming that determination" that "there are sufficient resources in the first local access network to support a quality of service requested for each of the media data streams." Nor is there a teaching in Rinne of the second user terminal sending a similar second message to the first user terminal confirming it has determined there are sufficient resources to support the requested quality of service. These messages sent between the two user terminals occur *before* the multimedia session is set up and multimedia traffic is sent over an established multimedia session.

Indeed, the timing of the sufficient resources assurance messages is clear from the "wherein" clause of claim 1 which states: "wherein the sending of the first and second messages *assures* the requested quality of service for each media data stream in the session *will be* provided." Such assurance between the user terminals before set up of the multimedia session is simply not disclosed or contemplated in Rinne. Moreover, several dependent claims reinforce

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the fact that the multimedia session has not yet been set up. For example, claim 5 states that "if the requested quality of service for each media data stream in the session cannot be provisioned in one of the first and second local access networks, *the session is not set up*."

Independent claim 12 describes a first mobile terminal (1) determining if sufficient resources can be provisioned in the first local access network to support a quality of service requested for each media data stream and (2) sending a first QoS confirmation message to the second mobile terminal. A similar determination is made by the second mobile terminal, and if its determination is favorable, the second mobile terminal sends a QoS confirmation message to the first mobile terminal. Again, there is no pre-session exchange of quality of service confirmation messages between first and second mobile terminals disclosed in Rinne. Rinne's concern is to classify packets for an already-established session into appropriate quality of service buffers or queues so that those packets are mapped to an appropriate quality of service bearer. Like claim 1, claim 12 has several dependent claims that make it clear that the method in claim 12 is performed before the session is set up. See, for example, claims 20, 21, and 25-27.

Claim 28 is directed to a mobile radio terminal having the electronic circuitry configured to "determine before the multimedia session is set up whether there are sufficient resources in the first local mobile access network to support a quality of service requested for each of the media data streams and to send a confirmation message to the second user terminal confirming that determination before the multimedia session is set up." This quoted language is not disclosed in Rinne.

Independent claim 42 recites first and second mobile terminals that each determine "if sufficient resources *can be* provisioned" in its local mobile access network to support a quality of service requested for each media data stream in the multimedia session. In addition, both first

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and second mobile terminals send corresponding quality of service confirmation messages to the other mobile terminal in order to assure each other that resources are available in each of the local networks to support the requested quality of service <u>prior</u> to the multimedia session being set up. This is evident not only in the language from claim 32 but also from the language of dependent claims 46, 50, 51, 53-55 which make it clear that the multimedia session has not yet been set up at the of the first and second mobiles are sending their respected quality of service confirmation messages.

Lacking features recited in the independent claims, the anticipation rejection based on Rinne must be withdrawn.

Claims 4, 19, 33, and 49 stand rejected under 35 U.S.C. §103 as being unpatentable over Rinne in view of U.S. Patent 6,914,883 to Dharanikota. Claims 9, 24, 39, and 56 stand rejected under 35 U.S.C. §103 as being unpatentable over Rinne in view of U.S. Patent 6,765,921 to Stacey et al. These rejections are respectfully traversed.

Neither Dharanikota nor Stacey overcomes the deficiencies with respect to Rinne. For example, the Dharanikota describes a quality monitoring system with a single device and not an end-to-end method. Nor does Dharanikota describe (1) determining resources before a multimedia session has been set up and session traffic has been sent and (2) the claimed quality of service confirmation messages sent by the mobile terminals involved in the session.
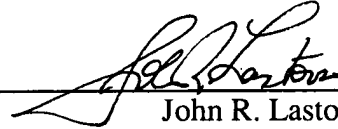
The application is in condition for allowance. An early notice to that effect is earnestly solicited.

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Respectfully submitted,

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